

Remarks

Claims 1 and 12 have been amended. Support for the Amendments to claims 1 and 12 can be found in general throughout Applicant's Specification and in particular, for example, in the Examples, pages 7-11.

Applicant submits that the amendment to claim 1 renders moot the rejection of claim 3 under 35 U.S.C. § 101 and requests that it be withdrawn.

Applicants submit that the Terminal Disclaimer submitted herewith renders moot the rejection of claims 1, 2, and 4-13 under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of U.S. Patent No. 6,602,444.

Claims 1-13 stand rejected under 35 U.S.C. § 102(e) over Ferri (U.S. Patent No. 6,212,756).

Ferri was filed on August 14, 1998. Prior to the August 14, 1998, Applicant, Anne E. Spinks, prepared compositions that were free of a film forming agent and included polyalphaolefin polymer and adsorbent particles in an amount from 20 % by weight to 50 % by weight (see Declaration of Anne E. Spinks Under 37 CFR § 1.131, which is attached at Exhibit A). Accordingly, Ferri is not available as a reference against claims 1-20. The rejection of claims 1-20 under 35 U.S.C. § 102(e) over Ferri having been overcome, Applicant respectfully requests that it be withdrawn.

Claims 1, 2, 6, 12 and 13 stand rejected under 35 U.S.C. § 102(b) over Lancesseur et al. (U.S. Patent No. 5,432,214).

Lancesseur et al. disclose a plastic dehydrating material that includes 50 % by weight to 80 % by weight thermoplastic or thermosetting polymer, from 20 % by weight to 50 % by weight dehydrating agent, from 2 % by weight to 8 % by weight elastomer and from 1 % by weight to 4 % by weight fibers. The plastic dehydrating material of Lancesseur et al. is capable of being transformed by injection, thermoforming, or blow molding.

Claim 1 is now directed to a composition that is essentially free of a film forming agent and includes from 30 % by weight to 80 % by weight amorphous polyalphaolefin polymer and from about 20 % by weight to about 70 % by weight adsorbent. Lancesseur et al. disclose that their dehydrating plastic material contains from 50 % by weight to 80 % by weight thermoplastic or a thermosetting polymer and from 2 % by weight to 8 % by

weight elastomer. Lancesseur et al. broadly disclose that any thermoplastic or thermosetting polymer can be used and then provide a list of eight classes of preferred thermoplastic and thermosetting polymers. Amorphous polyalphaolefin polymers are not listed among Lancesseur et al.'s preferred thermoplastic and thermosetting polymers. The only disclosures in Lancesseur et al. that encompass some amorphous polyalphaolefin polymers are the disclosures pertaining to elastomers, which are limited to 8 % by weight of the plastic dehydrating material. Thus, Lancesseur et al. do not teach including from 30 % by weight to about 80 % by weight amorphous polyalphaolefin polymer in their plastic dehydrating material nor do they teach that a useful plastic dehydrating material can include from 30 % by weight to 80 % by weight amorphous polyalphaolefin polymer. Accordingly, Lancesseur et al. do not teach the composition of claim 1. The rejection of claim 1 under 35 U.S.C. § 102(b) over Lancesseur et al. having been overcome, Applicant requests that it be withdrawn.

Claims 2, 6, 12 and 13 are distinguishable under 35 U.S.C. § 102(b) over Lancesseur et al. for at least the reasons set forth above in distinguishing claim 1. Applicant submits, therefore, that the rejection of claims 2, 6, 12 and 13 under 35 U.S.C. § 102(b) over Lancesseur et al. has been overcome and requests that it be withdrawn.

Applicant submits that the amendment to claim 1 renders moot the rejection of claims 3-5, 7-9 and 11 under 35 U.S.C. § 103 over Lancesseur et al. and requests that it be withdrawn.

Claims 1, 2, 6, 10, 12 and 13 stand rejected under 35 U.S.C. § 102(b) over Lafond (U.S. Patent No. 5,436,040).

Lafond discloses sealant strips that are formed from a solid or foamed cellular structure that can be of a thermoplastic or thermal setting polymeric material.

Claim 1 is now directed to a composition that includes from 30 % by weight to 80 % by weight amorphous polyalphaolefin polymer and from about 20 % by weight to about 70 % by weight adsorbent, and is essentially free of a film forming agent. Lafond discloses a solid or foamed insulating body (24) formed from a solid or a foamed cellular structure that can be of a thermoplastic or thermosetting polymer. Lafond provides a laundry list of suitable thermoplastic and thermosetting polymers that includes, e.g., polyurethanes, polyolefins, polysilicones, polyvinylchlorides, butyl polymers, ethylene

polymers, and polyamides. Lafond states that polyurethane is his preferred polymer and, "where it is desired to have high insulating properties for the insulating body, polysilicones or polyurethanes are particularly desirable" (Lafond, column 2, lines 50-53). Lafond does not include amorphous polyalphaolefin polymers in his list of suitable polymers and does not include any example compositions that include amorphous polyalphaolefin polymer. Lafond also does not teach how much amorphous polyalphaolefin polymer to include in his composition --let alone to include from 30 % by weight to 80 % by weight amorphous polyalphaolefin polymer. Lafond thus fails to teach and every limitation of the composition of claim 1. Accordingly, Applicant submits that the rejection of claim 1 under 35 U.S.C. § 102(b) over Lafond has been overcome and requests that it be withdrawn.

Claims 2, 6, 10, 12 and 13 are distinguishable under 35 U.S.C. § 102(b) over Lafond for at least the reasons set forth above in distinguishing claim 1. Accordingly, Applicant submits that the rejection of claims 2, 6, 10, 12 and 13 under 35 U.S.C. § 102(b) over Lafond has been overcome and requests that it be withdrawn.

Claims 3-5, 7-9 and 11 stand rejected under 35 U.S.C. § 103 over Lafond. Applicant submits that the amendment to claim 1 renders moot the rejection of claims 3-5, 7-9 and 11 under 35 U.S.C. § 103 over Lafond and requests that it be withdrawn.

The claims now pending in the application are in condition for allowance and such action is respectfully requested. Should a teleconference interview facilitate prosecution of the application, Applicant respectfully requests that the Examiner telephone the undersigned.

Please charge any additional fees that may be required or credit any overpayment made to Deposit Account No. 06-2241.

Respectfully submitted,

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